

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF PUERTO RICO**

3
4 **UNITED STATES OF AMERICA,**

5 **Plaintiff,**

6 **v.**

CASE NO. 12-2039 (GAG)

7 **COMMONWEALTH OF PUERTO RICO,**
8 **et al.,**

9 **Defendants.**

10 **SCHEDULING ORDER:**

11 **FAJARDO PUBLIC HEARING ON THE PUERTO RICO POLICE REFORM**

12 As previously announced to the parties, the Third Public Court Hearing and status
13 conference in the captioned case are set for **Thursday, March 17, 2016**, and **Friday, March 18,**
14 **2016** at 9:00 a.m. in the Commonwealth Courthouse Building in Fajardo, Puerto Rico. The
15 Court will first meet in camera at 8:30 a.m. with the Technical Compliance Advisor (“TCA”)
16 and his team, including his legal and constitutional advisors, as well as counsel for the United
17 States and the Commonwealth of Puerto Rico. Matters to be discussed or addressed by the Court
18 during the abovementioned meeting will be specifically defined for the benefit of the parties and
19 the TCA in this Court’s final scheduling order, which shall issue forthwith.

20 The objective of the present Public Hearing is for the parties and other interested persons
21 to inform the Court and the public on the progress of the implementation of the Puerto Rico
22 Police Department (“PRPD”) Reform, and to give the opportunity to present in an open judicial
23 forum all upcoming plans and ensuing steps required to comply with the Agreement for the
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1 Sustainable Reform of the Puerto Rico Police Department (hereinafter referred to as the
2 “Agreement” and at other times “Police Reform”), particularly in regards to townships in the
3 eastern part of Puerto Rico, including the islands of Vieques and Culebra. The Court stands by
4 its commitment to transparency and seeks to ensure that the structural Police Reform lives up to
5 its potential as a sustainable reform, while encouraging the participation of the People of Puerto
6 Rico throughout the process and guaranteeing public access to important information concerning
7 local communities. The parties and attendees shall adhere to the guidelines set forth as follows.

8 First, as in the previous public hearing held in the captioned case, the Court shall address
9 the deponents and entertain their respective testimonies in Spanish. Notwithstanding, in order to
10 comply with the English language requirement for Federal Court Proceedings (see 48 U.S.C. §
11 864) all communications by the parties and scheduled speakers must be conducted in English,
12 while a certified court interpreter will conduct simultaneous translation at all times; thus, the
13 complete historical record for the two days of proceedings shall be entirely in English. The
14 Court expects the parties to share the cost of all translation expenses.

15 Second, this hearing will be open to the general public, students, interested parties and
16 members of the community who wish to attend. An exclusive area has been reserved for the
17 media and guest speakers. However, due to the Courtroom’s limited seating capacity, **those who**
18 **wish to attend must confirm their assistance by contacting the office of Attorney Alfredo**
19 **Castellanos Bayouth, Constitutional Legal Advisor to the Technical Compliance Advisor,**
20 **at (787)-641-8447.** Groups that may require special assistance should also contact Attorney
21 Castellanos. **THE COURT REQUESTS THAT THE GENERAL PUBLIC ARRIVE AN**
22 **hour prior to the commencement of the hearing so that an**
23 **orderly security process can assist the court in commencing at**

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1 **THE SCHEDULED TIME.** The Court further informs that special parking facilities with
2 coordinated security and traffic measures have been obtained to accommodate all visitors and
3 deponents.

4 The parties will commence the proceedings with a brief opening statement at 9:00 a.m.
5 As representatives of the Commonwealth of Puerto Rico, the Court welcomes the participation of
6 the Governor's Personal Representative, Maritere Rivera Corujo, Esq. and of the Secretary of
7 Justice, the Honorable César A. Miranda Rodríguez; and expects an analogous participation from
8 the Puerto Rico Police Superintendent, José Caldero López, to his participation during the
9 celebration of the previous Public Hearing on October 22 and October 23, 2015, in the Federal
10 Courthouse in Ponce, Puerto Rico. Following the parties' introductory remarks, the Court will
11 address those present with a statement. The schedule for the rest of the proceedings is currently
12 being prepared and will be made available to the public in the final scheduling order that will be
13 issued prior to the celebration of the Hearing.

14 The Court expects the participation of the Executive Director of the Puerto Rico Police
15 Department Reform, Lt. Col. Clementina Vega Rosario, and of the Police Commander for the
16 Fajardo area, Lt. Col. Juan A. Cáceres Méndez. In addition to the officials previously mentioned,
17 among others that may be included in the final scheduling order, the Court is expecting the
18 participation of the following groups and deponents. The mayors of the main townships in the
19 East of Puerto Rico, where the present Public Hearing is to be held, are to participate as
20 representatives of their respective communities. At present, the participation of the Hon. Aníbal
21 Meléndez Rivera, mayor of the city of Fajardo, and of the Hon. Marcelo Trujillo Panisse, mayor
22 of the city of Humacao, have already been confirmed. Similar invitations have also been
23 extended to the mayor of Culebra, the Hon. William I. Solís Bermúdez, and to the mayor of
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1 Vieques, the Hon. Víctor Emeric Catarineau. The Court is aware that the Community Interaction
2 Groups have been organized since the celebration of the last Public Hearing in Ponce, and are
3 currently prepared to participate at the present Hearing. The participation of Dr. Keren
4 Riquelme, as president of the Central Community Interaction Council has already been
5 confirmed, among other members that are to be announced in the subsequent final scheduling
6 order. Members of the press have also been invited by this Court to participate as guest
7 speakers, on matters regarding the relationship between the media and the PRPD within the
8 scope of the Agreement. The Court intends to invite the primary journalistic associations in
9 Puerto Rico, and other important members of the local media. The participation of Mr. Oscar
10 Serrano, Esq. from the *Centro de Periodismo Investigativo* (Center for Investigative Journalism),
11 has already been confirmed.

12 Fourth, the Court wishes to remind the parties and participants that, in general, the
13 present Public Hearing and its proceedings are not adversarial in nature, and that it expects a
14 sense of genuine collaboration and mutual assistance between the parties during its celebration.
15 Due to the volume of participations and the nature of the issues to be addressed, the Court
16 intends on adhering to the scheduled itinerary with rigor, and exhorts all panelists to focus their
17 respective testimonies to matters concerning the Agreement. With the intent of advancing the
18 involvement of the community in the process of the Reform, any additional comments, concerns
19 and/or suggestions that the speakers may not be allowed to express due to time constraints, may
20 be submitted in written form to the attention of the Office of the TCA, by sending an email to
21 Attorney Alfredo Castellanos, at alfredo@cglawpr.com, prior to or following the celebration of
22 the hearing.

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1 Finally, the celebration of the public hearings in the present case seeks to have the public
2 engage and interact with the reform process, in order to transform the PRPD into a law
3 enforcement entity that effectively serves the Community and stands by the Constitutional rights
4 of the People of Puerto Rico. The Court informs the participants that it will not accept any
5 testimonies during the course of the hearing that may pertain to any matter that may be currently
6 under investigation by the United States Department of Justice and/or local authorities.
7 Moreover, the Court has been informed that the parties will be meeting with Constitutional
8 Advisor, Mr. Alfredo Castellanos, with the objective of trying to find a consensus as to the
9 subject matters and the areas that should be addressed during the course of the scheduled Public
10 Hearing. The Court instructs the TCA and Attorney Alfredo Castellanos, to deliver a copy of
11 the present order to all scheduled panelists, The Clerk's Office for the United States District
12 Court for the District of Puerto Rico, the U.S. Marshal, and any other individual that the TCA
13 and Attorney Castellanos may deem necessary for purposes of the Fajardo Hearing. The Court
14 alerts the parties, that if need be, the Court will order the participation of any other person that is
15 deemed necessary for purposes of answering all relevant questions that may be raised during the
16 course of the Public Hearing.

17 **SO ORDERED.**

18 In San Juan, Puerto Rico this 26th day of January, 2016.

19 *s/ Gustavo A. Gelpí*

20 GUSTAVO A. GELPI

21 United States District Judge
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